IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1757 OF 2005
IN
CRIMINAL APPEAL NO. 286 OF 2005

Liyakat Shaukat Shaikh & Anr ...Applicants

Versus

The State of Maharashtra ...Respondents

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Mrs. A.A. Walawalkar, Advocate for Applicants

Mr. M.S. Mhambray, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 21ST JULY, 2005

P. C.:-

1. Heard both sides.

2. The applicants are praying for bail. The applicants have been convicted mainly under Section 394 r.w. 34 of I.P.C. and sentenced to seven years of R.I.

3. The learned advocate for the applicants has submitted that there is delay in holding T.I. parade and there are several lacunae as far as the identification parade is concerned. She has further submitted that the applicants have been in custody for about three and half years and hence, they may be

granted bail.

4. On the other hand, the learned A.P.P. has submitted that the present case does not involve just one incident of robbery but involves three separate incidents of robberies. These robberies have committed at the point of dangerous weapons in all three cases and mostly the ladies were the victims. It is further submitted that the witness had sufficient opportunity to observe the accused persons and in such case holding of T.I. parade was not strictly necessary. He has placed reliance on the decisions of of the Supreme Court in the case of **Visveswaran Vs. State reported in 2003 Cri.L.J. 2548 and Dana Yadav Vs. State of Bihar (2002) 7 SCC 295.**

5. In view of the above, I find no merit in the submissions made on behalf of the applicant. Hence, I am not inclined to grant bail. However, the hearing of the appeal is expedited. Office to prepare paper book on urgent basis. Appeal to be placed on final hearing board within a week after the paper book is ready.

6. Application is disposed of.

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